

### **REMARKS**

Claim 1 has been amended. Claims 15-18 have been cancelled without prejudice. Claims 1-14 and 19 remain in this Application and are presented for the Examiner's reconsideration in light of the above Amendments and the following comments.

#### **I. Formal Matters**

Claim 1 has been amended to require that the polymer be at least partially cross-linked by low energy radiation. Support for the Amendment to Claim 1 can be found on page 17, lines 2-3 of the Specification, as originally filed. No new matter has been added.

Attached hereto is a marked-up version of the changes made by the current Amendments. The attached page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**"

#### **II. Claim Objections**

The Examiner objected to Claims 1-20 for Applicants' use of the term "at least partially" because the modifier adds nothing to the claim. Applicants respectfully traverse this objection.

Applicants' use of the modifier "at least" modifies the term "partially." Thus, the phrase "at least partially cross-linked" could mean that the polymer can be partially or even completely cross-linked. Therefore, Applicants respectfully request the Examiner to withdraw the objection to Applicants' Claim 1.

Further, the Examiner objected to Claims 15-18 as being of improper dependent form. By Amendment, Applicants have cancelled Claims 15-18 herein. Therefore, Applicants respectfully request withdrawal of the Examiner's objection to Claims 15-18 under 37 C.F.R. §1.75(c).

#### **III. 35 U.S.C. §103(a) Rejection**

The Examiner has rejected Claims 1-11 and 13-18 under 35 U.S.C. §103(a) over Cinelli, et al., WO 98/20814, in view of Sieverding, GB Patent No. 1,115,431. Arguments made previously with regard to the *Cinelli* reference remain in effect and will not be repeated for the sake of brevity. Applicants respectfully traverse this rejection for the following additional reasons:

1. Applicants' invention, as now presented in Claim 1 by Amendment, claims an adhesive formed from a polymer being at least partially cross-linked by low energy radiation.
2. As stated in Applicants' specification, such low energy radiation can be achieved by techniques such as thermal, UV, and microwave radiation. See page 17, lines 2-3.
3. As the Examiner correctly states, the *Cinelli* reference fails to mention irradiative methods for effectuating chemical cross-linking.
4. *Sieverding* requires the use of high energy sources for cross-linking. To wit, the *Sieverding* reference states that, "The term 'irradiation' as used herein, means high energy radiation and/or the secondary energies resulting from conversion of electron or other particle energy to neutron

or gamma radiation... such as X-ray and gamma and beta rays...regardless of the type of radiation and the types of equipment used for its generation or application...." See page 9, lines 14-20.

Du to these considerations, *Cinelli*, in view of *Sieverding*, fails to teach, disclose, or even suggest forming an adhesive from a partially cross-linked polymer, as presented in Applicants' amended Claim 1. The *Cinelli* and *Sieverding* references, alone or in combination, fail to disclose, teach, suggest, or render obvious every recited feature of Applicants' amended Claim 1. Further, the *Sieverding* reference teaches away from using low energy radiation to effectuate chemical cross-linking. References that teach away cannot serve to create a *prima facie* case of obviousness. See *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 60 U.S.P.Q. 2d 1001 (Fed.Cir. 2001); M.P.E.P. §2141.02; M.P.E.P. §2145(9). Therefore, Applicants respectfully request withdrawal of the Examiner's 35 U.S.C. §103(a) rejection to Applicants' independent Claim 1.

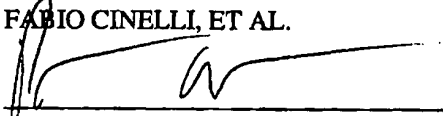
Because dependent Claims 2-14 and 19 all depend directly or indirectly from Applicants' amended Claims 1, they contain all of its limitations. For this reason, Applicants respectfully submit that the arguments made above concerning the allowability of Claim 1 are equally applicable to the rejection of Claims 2-14 and 19 under 35 U.S.C. §103(a). Applicants therefore request reconsideration and withdrawal of the Examiner's 35 U.S.C. §103(a) rejection to Claims 2-14 and 19.

#### IV. Summary

Based on the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512, and no fee is believed due. However, if any additional charges are due, the Examiner is hereby authorized to deduct such charge from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**Claims 15-18 have been cancelled without prejudice.**

**Claim 1 has been amended as follows:**

1. (Twice Amended) An adhesive for a disposable human waste management device:
  - said disposable human waste management device comprising a bag;
  - said bag comprising an aperture and a flange surrounding said aperture;
  - said flange comprising a wearer facing surface and a garment facing surface;
  - said wearer facing surface comprising an adhesive;
  - said adhesive having an initial peel strength ( $P_I$ ) and a final peel strength ( $P_F$ ) after exposure to water;
  - wherein said adhesive is formed from a polymer, said polymer being at least partially cross-linked by low energy radiation;
  - wherein the ratio of  $P_I$  to  $P_F$  is from 2:1 to 1:4; and,
  - wherein said adhesive has a water absorption capacity of at least 3% by weight.